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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/959,622    10/28/97    RAJALA    G    11128-2/KC11

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EXAMINER

MORAN, K

ART UNIT

PAPER NUMBER

3741

DATE MAILED:

10/06/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

08/959,622

Applicant(s)

Rajala et al.

Examiner

Kate Moran

Group Art Unit

3741

☒ Responsive to communication(s) filed on Oct 28, 1997☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) 12-28, 37, 53-58, 80, and 83-90 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 21-28, 37, 53-58, 80, and 83-90 is/are allowed.☒ Claim(s) 12-14 and 16-19 is/are rejected.☒ Claim(s) 15 and 20 is/are objected to.☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers**☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☒ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-14 and 16-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nomura et al. Nomura et al. discloses the invention as claimed. Nomura et al. teach a garment blank subassembly having a front body portion 10, back body portion 11, a crotch 15 intermediate of and extending from the front body portion 10 to the back body portion 11 and between a pair of leg openings 8 in a garment 1 to be assembled from the garment blank subassembly. The front body portion 10 has first and second

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front leg edge portions along the leg openings 8, a front end opposite the first and second front leg edge portions, and first and second front sides. The back body portion 11 has first and second back leg edge portions along the leg openings 8, a back end opposite the first and second back leg edge portions, and first and second back sides. The crotch 15 has first and second crotch edge portions on opposing sides thereof along the leg openings 8, as shown in Figure 2. The garment blank subassembly has a length extending between the front and back sides and a longitudinal centerline between the first and second front and back sides. Each of the first and second back leg edge portions has an angular portion extending generally along a line forming an acute angle (formed by 6a,6b) with the longitudinal centerline. The garment blank subassembly, when laid out flat, comprises a first layer 3 extending from the first end through the crotch 15 to the second end, a first elastic 6b attached to the first layer and extending from a first locus adjacent the first backside, as a first section of the first elastic, along the width of the garment blank subassembly, toward the front end at an acute angle with the longitudinal centerline and generally following the first back leg edge portion toward the crotch 15, as a second section of the first elastic across the crotch, and as a third section of the first elastic 6b away from the first end at an acute angle with the longitudinal centerline and generally following the second back leg edge portion, to a second locus adjacent the second back side, the first and third sections of the first elastic being stretched and the second section of the first elastic being substantially relaxed when the garment blank subassembly is laid out flat (Figure 2). Further, a second elastic is attached along the first crotch edge portion and a third elastic is attached in the garment blank subassembly along the second

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crotch edge portion. The second and third elastics are stretched when the garment blank subassembly is laid out flat and the first and third sections of the first elastic comprise arcuate portions, each arcuate portion having a first end disposed at the end of the respective first angular portion and a second end disposed at the joiner of the respective back leg edge portion with the first and second crotch edge portions wherein the second section of the first elastic extends across the crotch between the second ends of the first arcuate portions. In the alternative, and regarding claims 12 and 16, a second elastic extends from a third locus adjacent the first front side, as a first section of the second elastic, along the width of the garment blank subassembly and generally following the first front leg edge toward the crotch, as a second section of the second elastic across the crotch 15, and as a third section of the second elastic along and generally following the second front leg edge portion to a fourth locus adjacent the second front side. Also, a third elastic is attached in the garment blank subassembly along the first crotch edge portion and a fourth elastic is attached in the garment blank subassembly along the second crotch edge portion. The third and fourth elastics extend in a direction generally corresponding to the direction of the longitudinal centerline and are stretched when the garment blank subassembly is laid out flat.

*Allowable Subject Matter*

4. Claims 21-28, 37, 53-58, 80, and 83-90 are allowed.

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5. Claims 15 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burns, Goujon et al., Butter, Larson, Repke et al., LaFleur, Roberts, Igaue et al., Meyer, and Nomura et al., teach relevant garment structures.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine Moran whose telephone number is (703) 305-0452. The examiner can normally be reached on Monday-Thursday and alternating Fridays from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

Kmm

September 30, 1999

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700